

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF PENNSYLVANIA

SCOTT W. TAYLOR D/B/A  
TAYLOR'S TRADING POST

Petitioner,

V.

Case No.: 1:12-cv-00138-JEJ

ALPHONSO HUGHES  
Director of Industry Operations,  
Bureau of Alcohol Tobacco  
Firearms and Explosives,

District Judge: John E. Jones

Magistrate Judge: Martin C. Colson

Respondent.

**PETITIONER’S F.R.C.P. 56(d) MOTION  
FOR EXTENSION OF TIME TO COMPLETE DISCOVERY**

Now comes the Petitioner, Scott W. Taylor d/b/a Taylor's Trading Post, by and through counsel, and pursuant to Federal Rule of Civil Procedure 56(d), to request an extension of time to complete discovery in order to conduct necessary discovery to respond to ATF's motion for summary judgment. In support of this motion, Taylor is submitting: 1) his Memorandum of Law, 2) the Affidavit of Timothy Rudd, and 3) Taylor's First Set of Discovery Requests to Respondent.

WHEREFORE, Taylor respectfully requests that this honorable Court grant its F.R.C.P. 56(d) motion and permit discovery on the matters at issue in this case. Alternatively, in the event that Taylor's present F.R.C.P. 56(d) motion is denied, he requests an extension of time in the amount of 21 days from the date of such order to respond to Respondent's motion for summary judgment.

DATED: April 12, 2012

Respectfully submitted,

/s/ Timothy R. Rudd

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## PETITIONER'S CERTIFICATE OF CONCURRENCE/NON-CONCURRENCE

Timothy R. Rudd, counsel for Petitioner, hereby states that he contacted counsel for Respondent and that Respondent **does not concur** in in Petitioner's 56(d) Motion for Continuance to permit discovery to be had. However, Respondent **does concur** in Petitioner's request that, in the event that Petitioner's 56(d) Motion is denied, Petitioner be given twenty-one (21) days from such an order to file his response to Respondent's motion for summary judgment.

/s/ Timothy R. Rudd  
Counsel for Petitioner

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# CERTIFICATE OF SERVICE

I, the undersigned, do hereby certify that I have filed a true and correct copy of the above and foregoing motion and corresponding memorandum using the Court's ECF system and notification will automatically be sent to any and all counsel that has entered an appearance in this matter.

SO CERTIFIED, this 12th day of April 2012.

/s/ Timothy R. Rudd  
Counsel for Petitioner